

**AMENDMENTS TO THE CLAIMS**

1-32. (Cancelled)

33. (Currently Amended) A light emitting diode (LED) comprising:

a first gallium nitride layer;

an  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer formed over the first gallium nitride layer;

an active layer formed over the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer; and

a second gallium nitride layer formed over the active layer,

wherein the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer has a plurality of pits formed thereon.

34. (Previously Presented) The LED according to claim 33, wherein the active layer comprises an InGaN/InGaN structure of a multi-quantum well structure.

35. (Cancelled)

36. (Currently Amended) The LED according to ~~claim 35~~ claim 33, wherein the number of the pits is 50 or less per area of  $5\mu\text{m} \times 5\mu\text{m}$ .

37. (Previously Presented) The LED according to claim 33, wherein the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer is formed to have a super lattice structure.

38. (Previously Presented) The LED according to claim 33, wherein each layer of the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer has a thickness of 1~3000 Å.

39. (Previously Presented) The LED according to claim 33, wherein the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer has a photoluminescence characteristic of a yellow band intensity/N-doped GaN intensity ratio of 0.4 or below.

40. (Previously Presented) The LED according to claim 33, wherein the active layer is directly formed on the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer

41. (Previously Presented) The LED according to claim 33, wherein the LED is blue LED.

42. (Currently Amended) A method for manufacturing a light emitting device, the method comprising the steps of:

forming an N-type gallium nitride layer;

forming an  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer above the N-type gallium nitride layer, the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer including layers of first and second growth temperatures;

forming an active layer above the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer; and

forming a P-type gallium nitride layer above the active layer,

wherein the active layer is grown at a temperature lower than the first and second temperatures, and

wherein the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer has a plurality of pits formed thereon.

43. (Previously Presented) The method according to claim 42, wherein the active layer is grown at 600~800 °C.

44. (Previously Presented) The method according to claim 42, wherein the active layer comprises an InGaN/InGaN structure of a multi-quantum well structure.

45. (Cancelled)

46. (Currently Amended) The method according to ~~claim 45~~ claim 42, wherein the number of the pits is 50 or less per area of  $5\mu\text{m}\times 5\mu\text{m}$ .

47. (Previously Presented) The method according to claim 42, wherein the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer is formed to have a super lattice structure.

48. (Previously Presented) The method according to claim 42, wherein each layer of the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer has a thickness of 1~3000 Å.

49. (Previously Presented) The method according to claim 42, wherein the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer has a photoluminescence characteristic of a yellow band intensity/N-doped GaN intensity ratio of 0.4 or below.

50. (Previously Presented) The method according to claim 42, wherein the active layer is directly formed on the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer.